

Domestic Relations Committee
Judicial Conference of Indiana

Minutes
February 16, 2001

The Domestic Relations Committee of the Judicial Conference of Indiana met in Indianapolis, Indiana on Friday, February 16, 2001 from 10:30 a.m.-3:00 p.m. at the Indiana Judicial Center in Indianapolis.

1. Members present. Lorenzo Arredondo, Cynthia J. Ayers, Robert R. Aylsworth, Thomas J. Felts, William J. Hughes, Richard G. Striegel, and Daniel F. Donahue, Chair.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Guests present. Andrew Cosby, PACE; Allison Cox and Martha Wishmeyer, Porter County Family Court; Linda L. Chezem, Purdue University/Indiana University; Diane Elliott and Victoria Hanson, Marion County IV-D Program, Francie Hill, Supreme Court of Indiana, Family Court Project; Judge Diana LaViolette and Timothy Bookwalter, Putnam County; Jack Osborne, Good Dads Association; Bruce Smith, Co-Parenting.com; and John and Judy Stone were also present.
4. Minutes approved. The minutes for the meeting of the committee on January 19, 2001 were approved.
5. Mediation programs.
 - a. Martha Wishmeyer, part-time attorney, Paternity Facilitation Project, Porter County explained her program to the members of the committee. She explained that pro se litigants are given help in the paternity court with visitation issues. Law students are used which she supervises. She distributed a form used by the program to the committee.
 - b. Allison Cox, Family Court Project, Highly Conflicting Divorce Mediation, explained her project was funded in connection with the Supreme Court Family Court Project. Monies from the Family Court Project are used to send attorneys to 40 hours of mediation training in exchange for mediation in high conflict cases at \$95.00 an hour. The Family Court Project pays for a case manager that assigns cases to a mediator and links services to the family.
 - c. Diane Elliott and Victoria Hanson, Marion County IV-D Program, explained their Access and Visitation Program. She said they are social workers and they are assigned to the IV-D and Paternity Court. They served 750 families and conducted 300 "brief sessions" for families too. They work on visitation issues during a support case, and prepare parenting plans for the prosecutor and court review and approval. A 2, 6, and 12 week telephone call is conducted to see how the agreements are working, and adjustments made if necessary. They distributed materials to the committee including intake, access and closeout forms. Their total grant is \$100,000 annually.
 - d. Judge Linda Chezem distributed a letter concerning a grant proposal to provide an interactive website for parenting time guidelines. She believes it would result in less casework for courts. The members of the committee agreed the more assistance to litigants in understanding the guidelines, the better. The committee agreed by consensus to support this proposal.
 - e. Judge LaViolette and Timothy Bookwalter reviewed the Putnam County Facilitation Project. This program uses lawyers trained in mediation for cases referred for evaluation by an intake officer paid for with Court Improvement Project monies, in dissolution,

CHINS, Termination of Parental Rights, and small claims cases. CIP funds are used to pay facilitators \$100.00 an hour. Mr. Bookwalter distributed an example fact situation to illustrate mediation techniques.

f. Francie Hill presented an overview of the Supreme Court Family Court Project. She said the main focus of the project was a one judge, one family model or the family court coordination model. Family courts monitor families to varying degrees. She stated the following components of family courts: repeat litigation involving the same person, pro se litigants, "I know it when I see it, high conflict cases," domestic violence, substance and/or alcohol abuse, persons with cases in many type of court jurisdictions, criminal cases, person with children. She reported the key to the project is improved management for family law cases.

g. Committee members discussed facilitation vs. mediation, confidentiality of mediation proceedings, use of the rules of evidence during mediation, whether or not "success" is measured by agreement or reduction of issues and other areas.

6. Recent legislation/cases. Mr. Bercovitz distributed Senate Bill 569, requiring the use of bonds in custody, visitation and support matters to members of the committee. He reported the Senator Ford was interested in their input on this proposal. The committee members liked the idea generally with the following revisions: the legislation should be permissive, the ABA risk factors for determination of whether the bond is necessary should be used, and the 10% cash bond program should be available. The committee agreed to review the following bills for discussion at their next meeting: SB 90, UCCJL; SB 294, limitation on support for post-secondary expenses; and HB 1224, imitation on support for post-secondary expenses. The committee discussed Buckalew v. Buckalew, 34A05-00050CV-174, (Feb. 7, 2001), concerning the jurisdictional nature of a local court rule requiring a financial declaration form in dissolution cases.

7. Parenting time guideline. Mr. Bercovitz distributed the web site addresses for the new rule (www.state.in.us/judiciary) (Indiana Supreme Court) and <http://users.michiana.org/probate/> (St. Joseph Probate Court). He reported the Indiana State Bar Association distributed copies to their section, over 1000 attorneys, and would make copies available for \$5.00 each. He thanked Judge Aylsworth for his copy of the guideline on eight (8) pages. The committee members suggested approaching the Indiana Judges Association about printing many copies of the guidelines at little cost and selling them to make a profit. Judge Donahue agreed to prepare a memorandum urging a close review of the Buckelew case and the distribution of parenting time guidelines as printed by Judge Aylsworth.

8. Next meeting dates. The members of the committee agreed to meet again from 10:30 a.m. - 4:00 p.m. at the Indiana Judicial Center on Friday, March 16, April 20, May 18, July 20, August 17, September 12, and October 19, 2001, all from 10:30 a.m. - 4:00 p.m. at the Indiana Judicial Center except Sept. 12, which would be on Wednesday from 10:00 - 12:00 Noon in conjunction with the Judicial Conference. They agreed to schedule additional meetings next month.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law